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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HELMS, LARRY RONALD

ART UNIT	PAPER NUMBER
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1642

DATE MAILED: 03/12/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,243

Applicant(s)

TAYLOR, ALEXANDER H.

Examiner

Larry R. Helms

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Election/Restrictions

1. Prior to setting forth the Restriction Requirement, it is pointed out that applicants have presented the instant claims 20-31 in improper format. The claims are improperly joined as the various groups indicated below appear to encompass distinct framework regions of SEQ ID NO: 10-18, 81-85, 28-36, 86-87, 45-52, 88-93, 59-64, 94-96, or DNA encoding framework regions consisting of SEQ ID NO: 10-18, 28-36, 81-87, 45-64, 99-96 to such an extent that they are considered separately patentable. A reference against one would not be a reference against the other. Therefore, the restriction will be set forth for each of the various groups, irrespectively of the improper format of the claims, because these are not proper species.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 2, 3, 4 and claims 1, 5, 6, 7, in part, drawn to antibody comprising donor CDRs and framework regions from an Old World ape, classified in class 530, subclass 387.8. If Group I is elected, then claims 1, 5, 6, 7 will be examined to the extent that they read upon an antibody comprising Old World ape framework regions.
- II. Claims 8-13 and claims 1, 5, 6, 7 in part, drawn to an antibody comprising donor CDRs and framework regions from an Old World monkey, classified in class 530, subclass 387.3. If Group II is elected, then claims 1, 5, 6, 7 will be examined to the extent that they read upon an antibody comprising Old World monkey framework regions.

- III. Claims 14-16, drawn to a method of making an antibody comprising donor CDRs and framework regions from an Old World ape, classified in class 435, subclass 69.9.
- IV. Claims 17-19, drawn to a method of making an antibody comprising donor CDRs and framework regions from an Old World monkey, classified in class 435, subclass 69.9.
- V. Claim 20, in part, drawn to chimpanzee VH acceptor framework I, II and III comprising SEQ ID NO: 10, classified in class 530, subclass 350. If Group V is elected, then the claims will be examined to the extent that they read upon SEQ ID NO: 10.
- VI. Claim 20, in part, drawn to chimpanzee VH acceptor framework I, II and III comprising SEQ ID NO: 11, classified in class 530, subclass 350. If Group VI is elected, then the claims will be examined to the extent that they read upon SEQ ID NO: 11.
- VII. Claim 20, in part, drawn to chimpanzee VH acceptor framework I, II and III comprising SEQ ID NO: 12, classified in class 530, subclass 350. If Group VII is elected, then the claims will be examined to the extent that they read upon SEQ ID NO: 12.
- VIII. Claim 20, in part, drawn to chimpanzee VH acceptor framework I, II and III comprising SEQ ID NO: 13, classified in class 530, subclass 350. If Group VIII is elected, then the claims will be examined to the extent that they read upon SEQ ID NO: 13.
- IX. Claim 20, in part, drawn to chimpanzee VH acceptor framework I, II and III comprising SEQ ID NO: 14, classified in class 530, subclass 350. If

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Group IX is elected, then the claims will be examined to the extent that they read upon SEQ ID NO: 14.

X. Claim 20, in part, drawn to chimpanzee VH acceptor framework I, II and III comprising SEQ ID NO: 15, classified in class 530, subclass 350. If

Group X is elected, then the claims will be examined to the extent that they read upon SEQ ID NO: 15.

XI. Claim 20, in part, drawn to chimpanzee VH acceptor framework I, II and III comprising SEQ ID NO: 16, classified in class 530, subclass 350. If

Group XI is elected, then the claims will be examined to the extent that they read upon SEQ ID NO: 16.

XII. Claim 20, in part, drawn to chimpanzee VH acceptor framework I, II and III comprising SEQ ID NO: 17, classified in class 530, subclass 350. If

Group XII is elected, then the claims will be examined to the extent that they read upon SEQ ID NO: 17.

XIII. Claim 20, in part, drawn to chimpanzee VH acceptor framework I, II and III comprising SEQ ID NO: 18, classified in class 530, subclass 350. If

Group XIII is elected, then the claims will be examined to the extent that they read upon SEQ ID NO: 18.

XIV. Claim 21, in part, drawn to chimpanzee VH acceptor framework IV

comprising SEQ ID NO: 81, classified in class 530, subclass 350. If

elected, then claim 21 will be examined to the extent that it read upon SEQ ID NO: 81.

XV. Claim 21, in part, drawn to chimpanzee VH acceptor framework IV

comprising SEQ ID NO: 82, classified in class 530, subclass 350. If

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elected, then claim 21 will be examined to the extent that it read upon
SEQ ID NO: 82.

XVII. Claim 21, in part, drawn to chimpanzee VH acceptor framework IV
comprising SEQ ID NO: 83, classified in class 530, subclass 350. If
elected, then claim 21 will be examined to the extent that it read upon
SEQ ID NO: 83.

XVIII. Claim 21, in part, drawn to chimpanzee VH acceptor framework IV
comprising SEQ ID NO: 84, classified in class 530, subclass 350. If
elected, then claim 21 will be examined to the extent that it read upon
SEQ ID NO: 84.

XIX. Claim 21, in part, drawn to chimpanzee VH acceptor framework IV
comprising SEQ ID NO: 85, classified in class 530, subclass 350. If
elected, then claim 21 will be examined to the extent that it read upon
SEQ ID NO: 85.

XX. Claim 22, in part, drawn to chimpanzee Vk acceptor framework I, II, and III
comprising SEQ ID NO: 28, classified in class 530, subclass 350. If
elected, then claim 22 will be examined to the extent that it read upon
SEQ ID NO: 28.

XX1. Claim 22, in part, drawn to chimpanzee Vk acceptor framework I, II and III
comprising SEQ ID NO: 29, classified in class 530, subclass 350. If
elected, then claim 21 will be examined to the extent that it read upon
SEQ ID NO: 29.

XXII. Claim 22, in part, drawn to chimpanzee Vk acceptor framework I, II and III
comprising SEQ ID NO: 30, classified in class 530, subclass 350. If

elected then claim 21 will be examined to the extent that it read upon SEQ ID NO: 30.

XXIII. Claim 22, in part, drawn to chimpanzee Vk acceptor framework I, II and III comprising SEQ ID NO: 31, classified in class 530, subclass 350. If elected then claim 22 will be examined to the extent that it read upon SEQ ID NO: 31.

XXIV. Claim 22, in part, drawn to chimpanzee Vk acceptor framework I, II and III comprising SEQ ID NO: 32, classified in class 530, subclass 350. If elected then claim 22 will be examined to the extent that it read upon SEQ ID NO: 32.

XXV. Claim 22, in part, drawn to chimpanzee Vk acceptor framework I, II and III comprising SEQ ID NO: 33, classified in class 530, subclass 350. If elected, then claim 22 will be examined to the extent that it read upon SEQ ID NO: 33.

XXVI. Claim 22, in part, drawn to chimpanzee Vk acceptor framework I, II and III comprising SEQ ID NO: 34, classified in class 530, subclass 350. If elected, then claim 22 will be examined to the extent that it read upon SEQ ID NO: 34.

XXVII. Claim 22, in part, drawn to chimpanzee Vk acceptor framework I, II and III comprising SEQ ID NO: 35, classified in class 530, subclass 350. If elected, then claim 22 will be examined to the extent that it read upon SEQ ID NO: 35.

XXVIII. Claim 22, in part, drawn to chimpanzee Vk acceptor framework I, II and III comprising SEQ ID NO: 36, classified in class 530, subclass 350. If

elected, then claim 22 will be examined to the extent that it read upon
SEQ ID NO: 36.

XXIX. Claim 23, in part, drawn to chimpanzee Vk acceptor framework IV
comprising SEQ ID NO: 86, classified in class 530, subclass 350. If
elected, then claim 23 will be examined to the extent that it read upon
SEQ ID NO: 86.

XXX. Claim 23, in part, drawn to chimpanzee Vk acceptor framework IV
comprising SEQ ID NO: 86, classified in class 530, subclass 350. If
elected, then claim 23 will be examined to the extent that it read upon
SEQ ID NO: 86.

XXXI. Claim 23, in part, drawn to chimpanzee Vk acceptor framework IV
comprising SEQ ID NO: 87, classified in class 530, subclass 350. If
elected, then claim 23 will be examined to the extent that it read upon
SEQ ID NO: 87.

32. Claim 24, in part, drawn to a cynomolgus VH acceptor framework I, II and III
comprising SEQ ID NO: 45, classified in class 530, subclass 350. If elected, then
the claim will be examined to the extent that it read upon SEQ ID NO: 45.

33. Claim 24, in part, drawn to a cynomolgus VH acceptor framework I, II and III
comprising SEQ ID NO: 46, classified in class 530, subclass 350. If elected, then
the claim will be examined to the extent that it read upon SEQ ID NO: 46.

34. Claim 24, in part, drawn to a cynomolgus VH acceptor framework I, II and III
comprising SEQ ID NO: 47, classified in class 530, subclass 350. If elected, then
the claim will be examined to the extent that it read upon SEQ ID NO: 47.

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35. Claim 24, in part, drawn to a cynomolgus VH acceptor framework I, II and III comprising SEQ ID NO: 48, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 48.
36. Claim 24, in part, drawn to a cynomolgus VH acceptor framework I, II and III comprising SEQ ID NO: 49, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 49.
37. Claim 24, in part, drawn to a cynomolgus VH acceptor framework I, II and III comprising SEQ ID NO: 50, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 50.
38. Claim 24, in part, drawn to a cynomolgus VH acceptor framework I, II and III comprising SEQ ID NO: 51, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 51.
39. Claim 24, in part, drawn to a cynomolgus VH acceptor framework I, II and III comprising SEQ ID NO: 52, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 52.
40. Claim 25, in part, drawn to a cynomolgus VH acceptor framework IV comprising SEQ ID NO: 88, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 88.
41. Claim 25, in part, drawn to a cynomolgus VH acceptor framework IV comprising SEQ ID NO: 89, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 89.
42. Claim 25, in part, drawn to a cynomolgus VH acceptor framework IV comprising SEQ ID NO: 90, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 90.

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43. Claim 25, in part, drawn to a cynomolgus VH acceptor framework IV comprising SEQ ID NO: 91, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 91.
44. Claim 25, in part, drawn to a cynomolgus VH acceptor framework IV comprising SEQ ID NO: 92, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 92.
45. Claim 25, in part, drawn to a cynomolgus VH acceptor framework IV comprising SEQ ID NO: 93, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 93.
46. Claim 26, in part, drawn to a cynomolgus Vk acceptor framework I, II and III comprising SEQ ID NO: 59, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 59.
47. Claim 26, in part, drawn to a cynomolgus Vk acceptor framework I, II and III comprising SEQ ID NO: 60, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 60.
48. Claim 26, in part, drawn to a cynomolgus Vk acceptor framework I, II and III comprising SEQ ID NO: 61, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 61.
49. Claim 26, in part, drawn to a cynomolgus Vk acceptor framework I, II and III comprising SEQ ID NO: 62, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 62.
50. Claim 26, in part, drawn to a cynomolgus Vk acceptor framework I, II and III comprising SEQ ID NO: 63, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 63.

51. Claim 26, in part, drawn to a cynomolgus Vk acceptor framework I, II and III comprising SEQ ID NO: 64, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 64.
52. Claim 27, in part, drawn to a cynomolgus Vk acceptor framework IV comprising SEQ ID NO: 94, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 94.
53. Claim 27, in part, drawn to a cynomolgus Vk acceptor framework IV comprising SEQ ID NO: 95, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 95.
54. Claim 27, in part, drawn to a cynomolgus Vk acceptor framework IV comprising SEQ ID NO: 96, classified in class 530, subclass 350. If elected, then the claim will be examined to the extent that it read upon SEQ ID NO: 96.
55. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 10, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 10.
56. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 11, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 11.
57. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 12, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 12.
58. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 13, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 13.

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59. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 14, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 14.
60. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 15, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 15.
61. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 16, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 16.
62. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 17, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 17.
63. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 18, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 18.
64. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 28, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 28.
65. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 29, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 29.
66. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 30, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 30.

67. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 31, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 31.
68. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 32, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 32.
69. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 33, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 33.
70. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 34, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 34.
71. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 35, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 35.
72. Claim 28, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 36, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 36.
73. Claim 29, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 81, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 81.
74. Claim 29, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 82, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 82.

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75. Claim 29, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 83, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 83.
76. Claim 29, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 84, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 84.
77. Claim 29, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 85, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 85.
78. Claim 29, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 86, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 86.
79. Claim 29, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 87, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 87.
80. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 45, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 45.
81. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 46, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 46.
82. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 47, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 47.

83. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 48, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 48.
84. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 49, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 49.
85. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 50, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 50.
86. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 51, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 51.
87. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 52, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 52.
88. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 59, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 59.
89. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 60, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 60.
90. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 61, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 61.

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91. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 62, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 62.
92. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 63, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 63.
93. Claim 30, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 64, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 64.
94. Claim 31, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 88, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 88.
95. Claim 31, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 89, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 89.
96. Claim 31, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 90, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 90.
97. Claim 31, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 91, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 91.
98. Claim 31, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 92, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 92.

99. Claim 31, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 93, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 93.
100. Claim 31, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 94, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 94.
101. Claim 31, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 95, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 95.
102. Claim 31, in part, drawn to isolated nucleic acid encoding SEQ ID NO: 96, classified in class 536, subclass 23.53. If elected, then the claim will be examined to the extent that it reads upon SEQ ID NO: 96.

Inventions (I, II) and Inventions (III and IV) are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the claimed antibody products can be made by a variety of methods including chemical synthesis, grafting CDRs onto frameworks, grafting framework regions onto the CDRs regions, etc so inventions (I and II) and Inventions (III and IV) are patentably distinct.

Inventions of Groups I, II and V-102 represent separate and distinct products which are made by materially different methods, and are used in materially different methods which have different modes of operation, different functions and different effects. The polynucleic acid of Groups 55-102, the framework regions of Groups 5-54, and the antibody of Group I and II are all structurally and chemically different from each

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other. The polynucleotide is made by nucleic acid synthesis, while the polypeptide framework region is made by translation of mRNA, the antibody is raised by immunization, phage display, recombinant DNA technology or by other methods. Furthermore, the polynucleotide can be used for hybridization screening, the framework peptide can be used for CDR grafting methods, and the antibody can be used to immunopurify the polypeptide, for example. Each of the various amino acid sequences and nucleic acid sequences have different chemical structures which result in the need for a separate sequence database search for each sequence. The various framework regions are distinct for having different SEQ ID NO: numbers and for having been isolated from different species of animals and from different heavy or light chain regions. The examination of all groups would require different searches in the U.S. Patent shoes and the scientific literature and would require the consideration of different patentability issues. Thus the inventions I, II and V-102 are patentably distinct.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. This application contains claims directed to the following patentably distinct species of the claimed invention: If Group I or III is elected, then an election of species is necessary between the following different types of Old World monkeys

Species A: Pan troglodytes

Species B: Pan paniscus

Species C: Gorilla gorilla.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3, 5-7 and 14-15 are generic.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry R. Helms, Ph.D, whose telephone number is (703) 306-5879. The examiner can normally be reached on Monday through Friday from 7:00 am to 4:30 pm, with alternate Fridays off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached on (703) 308-3995. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

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6. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-7401.

Respectfully,

Larry R. Helms Ph.D.

703-306-5879

A handwritten signature in black ink, appearing to be 'L. Helms', written over the typed name.